

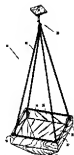
### REMARKS

This is in response to the Notice of Non-Compliant Amendment dated July 3, 2008, in which the Examiner identified Claims 26 and 39 as being non-compliant for including the text of the cancelled claims. Claims 26 and 39 are now indicated by only the claim number and status, without presenting the text of the claims.

In the Office Action dated October 9, 2007, the Examiner objected to Claims 7, 8, 10, 12, 14, 15, 25, and 29 as depending from rejected claims but allowable if rewritten, and rejected the remaining pending claims 1-6, 11, 18-19, 21, 26, 35-36 and 38. Allowable Claim 12 is rewritten as new Claim 40. Reconsideration of the remaining claims is respectfully requested in view of the amendments and comments herein.

#### **Section 102 rejection on Wright:**

Claims 1-6, 11, 19, 21, 35, 36 and 38 were rejected as anticipated by Wright. Independent Claims 1 and 35 are amended to define the apparatus on the base. Previously, the apparatus was given no patentable weight. The cited references do not support such an application and use. In particular, Wright's lightweight plant and flower display apparatus does not meet the claim requirements. This becomes especially clear when Wright describes the flexible lines 18 as "preferably formed of a decorative textile string material forming part of the suspension system." Col. 4, lines 54-56. Such decorative textile string material cannot be expected to support the claimed appliance and teaches against the claimed combination.



Moreover, Wright's display stand is to support such an appliance, especially when Wright says his "invention" relates to an apparatus for displaying "a plant, flowers or the like." Col. 1, lines 5-8. Wright thus does not meet the claim requirements, and it is not an obvious variation to change a plant stand into the claimed support suitable for a heavy appliance.

Independent Claim 19 is amended to incorporate a modification of dependent Claim 26 which in turn is canceled. Claim 19 defines a threaded drain, with antecedent basis for the threaded drain found in paragraph 44 of the application as filed. Claim 19 is thus not

anticipated by Wright, which has a watertight support. Indeed, adding a drain goes against the watertight aspect of Wright's suspended display since it would drip plant water onto items below the suspended plant.

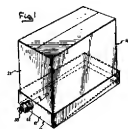
### **Section 103 Rejection**

Claims 18 and 36 were rejected as obvious over Wright in view of either Scholle or Latham. Both claims define a drain, and Wright and Scholle are cited for the drain.

In view to the changes to the base claims 1 and 35, these claims are believed allowable.

Moreover, it is not obvious to modify Wright's "waterproof" and suspended plant display to have a drain which destroys the advantages of Wright's suspended plant support. Wright's plant display is "waterproof." Col. 1, line 30-35. Indeed, Wright says there is a need for "a leakproof, attractive container." Col. 1, lines 24-25. Adding a hole for a drain destroys the leakproof and waterproof support, allowing plant water to drip onto everything and everyone below the suspended plant of Wright. Adding the drain goes against the teaching of Wright. It is thus not obvious to modify Wright.

Neither Scholle nor Latham provide any suggestion to overcome the teachings of Wright to maintain a leakproof, watertight support. Further, Scholle discloses a tray with an inclined bottom to hold a liquid-filled container 18, with a push activated spigot 35 fastened to the tray and container to dispense fluid from the container. Scholle is used to dispense milk, water and fruit juices. Col. 1, lines 13-17. The inclined tray causes the milk, etc. to flow toward the spigot 35. Scholle provides no suggestion to use the tray and spigot separately, or to use it with any other device. Scholle provides no suggestion to modify the "watertight" and suspended plant display of Wright. Indeed, Scholle's spigot would destroy the "attractive" aspects of a plant display, and one of Wright's criticisms of the prior art was the need for "aesthetically pleasing" overhead supports. Col. 1, lines 15-25; Col. 2, lines 14-15. A spigot is hardly decorative and aesthetically, especially when sticking out of a plant holder.



Latham does not cure these defects. Latham discloses an oil drain pan with an inclined bottom to direct used oil to a drain that is placed over an opening in an oil collection drum. Latham also has a tilting support member to further incline the bottom toward the drain. But there is no reason to place an oil drain into the bottom of Wright's watertight plant display. There is no identified need to drain Wright's display. Indeed, the watertight display in Wright teaches against allowing any liquid to drain on persons below the display. Thus, there is no suggestion to combine Latham's oil drain with Wright's suspended display.



Reconsideration and withdrawal of the rejection of Claims 18 and 36 is respectfully requested.

#### **Withdrawn Claims**

As generic claims are believed allowable, withdrawal of the species restriction is respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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